

1-1 By: Vo (Senate Sponsor - Eltife) H.B. No. 2035
 1-2 (In the Senate - Received from the House April 15, 2013;
 1-3 April 17, 2013, read first time and referred to Committee on
 1-4 Administration; April 23, 2013, reported favorably by the
 1-5 following vote: Yeas 4, Nays 0; April 23, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Eltife	X			
1-8 Uresti	X			
1-9 Carona			X	
1-10 Hancock	X			
1-11 Whitmire	X			
1-12 Williams			X	
1-13 Zaffirini			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the shared work unemployment compensation program.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 204.022, Labor Code, is amended by
 1-20 adding Subsection (f) to read as follows:
 1-21 (f) Shared work benefits paid under Chapter 215 may not be
 1-22 charged to the account of an employer if the benefits are reimbursed
 1-23 by the federal government under the federal Layoff Prevention Act
 1-24 of 2012 (Pub. L. No. 112-96, Subtitle D, Title II).
 1-25 SECTION 2. Section 215.001, Labor Code, is amended by
 1-26 amending Subdivision (2) and adding Subdivision (9) to read as
 1-27 follows:
 1-28 (2) "Fringe benefit" means health insurance, a
 1-29 retirement benefit received under a defined benefit plan, as
 1-30 defined by 26 U.S.C. Section 414(j), or under a defined
 1-31 contribution plan, as defined by 26 U.S.C. Section 414(i) [pension
 1-32 plan], a paid vacation day, a paid holiday, sick leave, or any other
 1-33 similar employee benefit provided by an employer.
 1-34 (9) "Training" means commission-approved voluntary
 1-35 training sponsored by an employer or funded under the Workforce
 1-36 Investment Act of 1998 (29 U.S.C. Section 2801 et seq.) that is
 1-37 designed to enhance a participant's job skills.
 1-38 SECTION 3. Section 215.022, Labor Code, is amended to read
 1-39 as follows:
 1-40 Sec. 215.022. REQUIREMENTS OF SHARED WORK PLAN. (a) The
 1-41 commission may approve a shared work plan if:
 1-42 (1) the plan:
 1-43 (A) applies to and identifies a specific affected
 1-44 unit;
 1-45 (B) identifies the employees in the affected unit
 1-46 by name and social security number and describes how the employees
 1-47 will be notified in advance of the plan, if feasible;
 1-48 (C) provides an estimate of the number of
 1-49 employees who would be laid off if the employer does not participate
 1-50 in the shared work plan;
 1-51 (D) [~~(C)~~] reduces the normal weekly hours of work
 1-52 for an employee in the affected unit by at least 10 percent but not
 1-53 more than 40 percent;
 1-54 (E) [~~(D)~~] applies to at least 10 percent of the
 1-55 employees in the affected unit; and
 1-56 (F) permits eligible employees to participate in
 1-57 training [~~(E) describes the manner in which the participating~~
 1-58 ~~employer treats the fringe benefits of each employee in the~~
 1-59 ~~affected unit];
 1-60 (2) the employer certifies that the implementation of
 1-61 a shared work plan and the resulting reduction in work hours is in~~

2-1 lieu of [~~temporary~~] layoffs that would:
2-2 (A) affect at least 10 percent of the employees
2-3 in the affected unit; and
2-4 (B) result in an equivalent reduction in work
2-5 hours; [~~and~~]
2-6 (3) the employer certifies that:
2-7 (A) if the employer currently provides fringe
2-8 benefits, the fringe benefits continue for employees in the
2-9 affected unit unless those benefits are not continued for employees
2-10 not participating in the shared work plan; and
2-11 (B) participation in the shared work plan is
2-12 consistent with the employer's obligations under state and federal
2-13 law; and
2-14 (4) the employer agrees to furnish the commission
2-15 reports relating to the operation of the plan as requested by the
2-16 commission and any other information the United States secretary of
2-17 labor determines is appropriate.
2-18 (b) A shared work plan may not be implemented to subsidize a
2-19 seasonal employer during the off-season [~~or to subsidize an~~
2-20 ~~employer who traditionally has used part-time employees~~].
2-21 SECTION 4. The change in law made by this Act applies only
2-22 to a shared work plan submitted by an employer to the Texas
2-23 Workforce Commission on or after the effective date of this Act. A
2-24 shared work plan submitted before the effective date of this Act is
2-25 governed by the law in effect on the date the plan was submitted,
2-26 and the former law is continued in effect for that purpose.
2-27 SECTION 5. This Act takes effect September 1, 2013.

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